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Washington, Friday, May 23, 1941

The President

EXECUTIVE ORDER

ESTABLISHING CONVERSION FACTORS FOR USE IN ADMINISTERING QUOTAS ON IM- PORTS OF COFFEE

WHEREAS the entry for consumption of coffee in the United States is limited to the quotas provided for in the Inter-American Coffee Agreement signed on November 28, 1940; and

WHEREAS such quotas are expressed in terms of bags of 60 kilograms net, or equivalent quantities; and

WHEREAS the term "bags of 60 kilograms net" is applicable only to raw (green) coffee; and

WHEREAS it is necessary and desirable that provision be made for determining the equivalent of a bag of coffee of 60 kilograms net in terms of pounds, and for determining the weight of roasted coffee in terms of the weight of raw (green) coffee:

NOW, THEREFORE, by virtue of the authority vested in me by section 2 of the joint resolution of Congress approved April 11, 1941 (Public Law 33, 77th Cong., 1st Sess.), I hereby establish the following conversion factors for use in administering the quotas on imports of coffee provided for in the said agreement:

1. One bag of 60 kilograms of coffee shall be considered to be the equivalent of 132.276 pounds of coffee.

2. One pound of roasted coffee shall be considered to be the equivalent of 1.2 pounds of raw (green) coffee.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
May 21, 1941

[No. 8758]

[F. R. Doc. 41-3665; Filed, May 22, 1941;
9:35 a. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE CHAPTER IX—SURPLUS MARKETING ADMINISTRATION

PART 1101—FOOD STAMP PLAN¹

Under the authority given to the Secretary of Agriculture by law, I, Claude R. Wickard, Secretary of Agriculture, make, publish, and give public notice of the following regulations, to be in effect until changed or replaced by the Secretary of Agriculture.

DEFINITIONS

Sec.	Definition.
1101.100	USE OF FOOD STAMPS
1101.200	Eligibility to accept food stamps.
1101.201	Identification of food stamp user.
1101.202	Food which may be exchanged for orange stamps.
1101.203	Food which may be exchanged for blue stamps.
1101.204	Use of food purchased.
1101.205	Loose stamps.
1101.206	Making change.
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1101.400	Action against violators.
1101.401	Rules of procedure and practice.
1101.402	Criminal penalties.

CONSTRUCTION

1101.500	Administrative interpretations.
1101.501	Derogation of rights.

DEFINITIONS

§1101.100 *Definitions.* When used in the regulations in this part or in any other form or document in connection with the Food Stamp Plan the following words or terms shall have the meaning shown below:

(a) "Secretary" means the Secretary of Agriculture of the United States of America.

¹ §§ 1101.100-1101.601 appearing at 5 F.R. 2438, 2439, as §§ 100-601, are superseded.

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(b) "Administration" means the Surplus Marketing Administration, United States Department of Agriculture.

(c) "Administrator" means the Administrator, the Assistant Administrator, or the Chief of the Distribution Division, of the Surplus Marketing Administration.

(d) "Retail food store" means a merchandising establishment or an established trade route from which a retail merchant carries on the business of selling food to consumers.

(e) "Food" means any commodity or product sold in retail food stores to be eaten by persons, but shall not include

(1) any such commodity or product which is eaten in the store;

(2) soft drinks, such as ginger ale, root beer, sarsaparilla, pop, artificial mineral waters (carbonated or not carbonated), or other carbonated waters or beverages;

(3) wines, liquors, beers, or other alcoholic beverages;

(4) tobacco in any form.

(f) "Surplus food" means food grown and processed in the United States which is found by the Secretary to be surplus, and which is listed on Surplus Commodities Bulletins published and distributed by the Surplus Marketing Administration.

(g) "Orange stamps" means orange colored food order stamps in denominations of twenty-five cents (25¢) each.

(h) "Blue stamps" means blue colored surplus food order stamps in denominations of twenty-five cents (25¢) each.

(i) "Food stamps" means either orange or blue stamps or both.

(j) "Federal Surplus Commodities Corporation," "F. S. C. C.," or "Corporation" shall be construed to mean the Surplus Marketing Administration.*

*§§ 1101.100 to 1101.501, inclusive, issued under the authority contained in sec. 32, 49 Stat. 774, as amended, 50 Stat. 323, as amended; 7 U.S.C., Sup., 612c, 15 U.S.C., Sup., 713c.

USE OF FOOD STAMPS

§ 1101.200 *Eligibility to accept food stamps.* Food stamps may be accepted for food or surplus food in any retail food store which has filed an acceptable Retailer's Statement Form when required to do so by the Surplus Marketing Administration.*

§ 1101.201 *Identification of food stamp user.* Food stamps must be used by the person to whom issued, or his agent. The name of the person to whom the stamps have been issued must be signed on the inside of the stamp book cover and be the same as the name signed on the person's stamp plan identification card, or there must appear on the stamps the same number as appears on the person's stamp plan identification card.*

§ 1101.202 *Food which may be exchanged for orange stamps.* Orange stamps may be accepted for any food, including surplus foods.*

§ 1101.203 *Food which may be exchanged for blue stamps.* Blue stamps may be accepted only for surplus foods listed on Surplus Commodities Bulletins currently in effect. Surplus Commodities Bulletins will be issued by the Surplus Marketing Administration from time to time and distributed to all retail food stores accepting food stamps.*

§ 1101.204 *Use of food purchased.* Food Stamps may not be used for food to be eaten in a retail food store. Food delivered to any person for food stamps shall be eaten by the person to whom the food stamps were originally issued and his family.*

§ 1101.205 *Loose stamps.* No food stamps may be accepted by any retail food store owner or employee except at the time the food is delivered, unless the retailer is engaged in house-to-house delivery of milk or bakery foods. No stamps may be accepted unless the food stamps are torn from the stamp book in the presence of the retailer or his employee, or there appears on each food stamp the same number which is on the customer's stamp plan identification card.*

§ 1101.206 *Making change.* No change in cash may be given for orange or blue stamps. Instead of giving change in cash, a credit slip may be given to the stamp customer for the unused part of a food stamp. This credit slip must show: (a) amount due, (b) color of stamp for which credit is due, and (c) name of retail store. Credit slips must be used by the persons to whom issued. Blue stamp credit slips can be accepted for surplus food only. Orange stamp credit slips can be accepted for food.*

§ 1101.207 *Improper acceptance of stamps.* Food stamps may not be accepted in payment for any debts or as a deposit for the future delivery of food or surplus food.*

§ 1101.208 *Other misuse of stamps.* No retail food store owner or employee may loan to any person money to be used to buy food stamps. Food stamps shall not be sold, transferred, assigned, or negotiated, or used for any purpose or to effect any arrangement, agreement, scheme or device contrary to the regulations in this part.*

§ 1101.209 *Taxation.* The exchange of surplus food for blue stamps is not subject to any tax on retail sales, and no payment will be made by the Surplus Marketing Administration on claims supported by food stamps where the retail food store, because of a retail sales tax, has delivered food of an actual value of less than twenty-five cents (25¢) for each blue food stamp or has otherwise passed the tax on to the blue stamp holder.*

§ 1101.210 *Posting regulations and surplus commodities bulletins.* All retailers participating in the Food Stamp Plan must have posted in their store at all times the current official Surplus Commodities Bulletin and a copy of the regulations in this part.*

PAYMENT FOR FOOD STAMPS

§ 1101.300 *Claims.* Any retail food store owner may present a claim for the face value of all food stamps accepted in accordance with the regulations in this part. Payment will be made by the Surplus Marketing Administration on any

such claim which is properly certified and presented for payment, provided the Administration is satisfied that a proper claim has been made.*

§ 1101.301 *Collection agents.* Wholesale agents or banks may act as collection agents for retail food stores in presenting claims for food stamps to the Surplus Marketing Administration.*

COMPLIANCE

§ 1101.400 *Action against violators.* Whenever the Administrator determines that any person has violated the regulations in this part, the Administrator may deny such person the privilege of participating in the Food Stamp Plan. The Administrator, or such officer or employee of the Surplus Marketing Administration as the Administrator may designate for the purpose, may suspend payment on any claim or claims of an alleged violator or may deny an alleged violator the privilege of participation in the Food Stamp Plan pending a final determination by the Administrator. In any final determination the Administrator may deny payment on any claim or claims supported by food stamps found to have been obtained in violation of the regulations in this part. In the event the Administrator determines that any person has accepted food stamps in violation of the regulations in this part and has made and presented for payment, or has caused to be made and presented for payment, claims supported by such stamps and that payment has erroneously been made thereon, the Administrator may deduct from any claim or claims supported by food stamps obtained in full compliance with the regulations in this part, and presented for payment by such person, an amount deemed to be sufficient to offset the amount erroneously paid. The Administrator may take such action as may be deemed necessary to make effective any order of denial or order of suspension.*

§ 1101.401 *Rules of procedure and practice.* The Administrator may adopt such rules of procedure and practice as he may deem necessary for the purpose of determining violations of the regulations in this part.*

§ 1101.402 *Criminal penalties.* Any person who makes or causes to be made any claim for payment, or presents or causes to be presented any claim for payment, supported by food stamps, knowing such claims to be false, fictitious, or fraudulent, or in violation of the regulations in this part, shall be subject to such fines and punishments as may be provided in the United States Criminal Code.*

CONSTRUCTION

§ 1101.500 *Administrative interpretations.* The Administrator may issue interpretations of any of the regulations in this part, and such interpretations shall have the force and effect of the regulations in this part.*

§ 1101.501 *Derogation of rights.* Nothing contained in the regulations in this part, or in any administrative interpretations thereof, shall be construed to be in derogation or modification of the right of the Secretary, the Surplus Marketing Administration, or the United States to exercise any jurisdiction or power granted by law.*

These revised regulations governing the Food Stamp Plan shall supersede all regulations and conditions previously issued by me and shall become effective on May 19, 1941.

[SEAL]

CLAUDE R. WICKARD,
Secretary of Agriculture.

MAY 17, 1941.

[F. R. Doc. 41-3655; Filed, May 21, 1941;
11:12 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER III—CLAIMS AND ACCOUNTS

PART 36—CLAIMS AGAINST THE UNITED STATES¹

BURIAL EXPENSES

§ 36.50 *For whom authorized—(a) Regular Army.*

- | | |
|----------------------------------------------------------------------------------------------------------------------------------|---------------------|
| (i) Officers. | On the active list. |
| (ii) Army nurses. | |
| (iii) Warrant officers. | |
| (iv) Cadets, United States Military Academy. | |
| (v) Enlisted men. | |
| (vi) Contract surgeons. | |
| (vii) Retired officers or enlisted men who die while on active duty by proper assignment. | |
| (viii) Accepted applicants for enlistment. | |
| (ix) Garrison prisoners, or general prisoners whose discharge has been suspended. | |
| (x) Enlisted men who are discharged in a hospital in the United States and continue as inmates of the hospital to date of death. | |

(2) For the following, only burial expenses proper (§ 36.51 (a)) are authorized; interment being at place of death.

- | |
|------------------------------------------------------------------------------------------------|
| (i) Military prisoners who die at a military post. |
| (ii) Prisoners of war or interned alien enemies who die at a prison camp in the United States. |

(b) *Components other than the Regular Army.* If the death of any person mentioned in (1), (2), (3), and (4) below occurs while he is on active duty, or undergoing training or hospital treatment contemplated in the act cited below, the United States will, under regulations prescribed by the President, pay the necessary expenses for recovery of the body, its preparation for burial, including the use of such of the

¹ §§ 36.50 to 36.52 are added.

uniform and articles of clothing issued to him as may be required, interment (or cremation if requested by his relatives), and transportation of his remains, including round-trip transportation and subsistence of an escort, to his home or the place where he received orders for the period of training upon which engaged at the time of his death, or to such other place as his relatives may designate provided the distance to such other place is not greater than the distance to his home, provided that when the expenses of the recovery, preparation, and disposition of remains herein authorized, or any part thereof, are paid by individuals, such individuals may be reimbursed therefore at an amount not exceeding that allowed by the Government for such services. See act June 15, 1936 (49 Stat. 1507); 32 U.S.C. 164c.

(1) Officers, warrant officers, and enlisted men of the National Guard—

(i) Who die while en route to or from or during their attendance at encampments, maneuvers, or other exercises, or at service schools, authorized under the provisions of sections 94, 97, and 99 of the National Defense Act.

(ii) Who die after the period of authorized attendance at encampments, maneuvers, or other exercises, or at service schools, while undergoing hospitalization for a disease or injury contracted or incurred in line of duty while en route to or from or during their attendance at encampments, maneuvers, or other exercises, or at service schools, authorized under the provisions of sections 94, 97, or 99 of the National Defense Act.

(iii) Who die as a result of personal injury (as distinguished from disease) in line of duty while participating in aerial flights in Government-owned aircraft, prescribed under the provisions of section 92 of the National Defense Act, or who die while undergoing hospitalization for such injury.

(2) Members of the Officers' Reserve Corps and of the Enlisted Reserve Corps on active duty under proper orders in time of peace—

- | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (i) Who die while on active duty. |
| (ii) Who die after relief from active duty while undergoing hospitalization for disease or injury contracted or incurred in line of duty while on active duty. |

(iii) Who die as a result of personal injury (as distinguished from disease) in line of duty while voluntarily participating when not on active duty in aerial flights in Government-owned aircraft by proper authority as an incident to their military training, or who die while undergoing hospitalization for such injury.

(3) Members of the National Guard of the United States on active duty under proper orders in time of peace—

- | |
|-----------------------------------|
| (i) Who die while on active duty. |
|-----------------------------------|

(ii) Who die after relief from active duty while undergoing hospitalization for disease or injury contracted or incurred in line of duty while on active duty.

(4) Members of the Reserve Officers' Training Corps and members of the Citizens' Military Training Camps—

(i) Who die while en route to or from or during their attendance at camps of instruction held under the provisions of sections 47a and 47d of the National Defense Act, provided that, in the case of death while en route to or from the camp, no undue delay or circumstances are involved in the travel and that the travel is performed over the usually traveled routes.

(ii) Who die subsequent to arrival at their homes while undergoing hospitalization for disease or injury contracted or incurred in line of duty while en route to or from or during their attendance at camps of instruction held under the provisions of section 47a and 47d of the National Defense Act.

(c) *Civilian employees.* (1) Civilian employees of the Army or of the War Department who have been ordered by competent authority away from their homes in the United States to foreign countries, Hawaii, the Philippine Islands, Alaska, Puerto Rico, or the Canal Zone, and who die while on duty in such places or while performing authorized travel thereto or therefrom.

(2) Civilian employees of the Army or of the War Department who die on Army transports or while accompanying troops in the field, or who, while on Army transports or while accompanying troops in the field, incur injury or contract disease resulting directly in death away from their homes.

(3) Where it is necessary for sanitary reasons to remove the remains of an employee from the grounds on which other employees are located, the reasonable expenses of a decent burial may be authorized as an incident to the work on which he was engaged. See 11 Comp. Dec. 789.

§ 36.51 *Definition.* (a) Burial expenses proper will be restricted to—

- (1) Undertaker's services.
- (2) Cost of the casket.
- (3) Cost of outside box or shipping case when the remains are shipped.
- (4) Hire of hearse.

(b) In addition to the burial expenses proper, for which limits of cost are prescribed in Army regulations, the following may be furnished when required:

(1) Authorized necessary transportation, either without or after temporary interment.

(2) Storm flag (par. 2g (13), AR 260-10),¹ except for civilian employees enumerated in § 36.50 (c). When the remains are shipped home this flag may be retained by the relatives of the deceased.

¹Administrative regulations of the War Department relative to flags.

(3) Clothing, when necessary (par. 8, AR 30-1820).²

(4) Necessary expenses incident to recovery of bodies.

(5) Necessary expenses, not to exceed \$50, incident to interment (act May 17, 1938 (52 Stat. 399; 10 U.S.C. 916c), such expenses to include the following:

(i) Hearse hire for remains from railroad station at destination to first place of delivery.

(ii) Hearse hire for remains and transportation for immediate relatives to cemetery.

(iii) Services of a minister.

(iv) Cost of grave site in private cemetery.

(v) Opening and closing grave.

(6) Cremation, only upon request of next of kin, including suitable urn for ashes.

§ 36.52 *Reimbursement to individuals—Statutory authority.* (a) In any case where funeral expenses authorized in section 3 hereof are borne by individuals, reimbursement to such individuals may be made of the amount allowed by the Government for such services, but no reimbursement shall be made of any expenses incurred prior to the enactment of this Act which would not have been a proper charge against the Government prior to the date of approval thereof. Sec. 5, act May 17, 1938 (52 Stat. 399; 10 U.S.C. 916c).

(b) When the expenses of the recovery, preparation, and disposition of remains of officers, warrant officers, and enlisted men of the National Guard; members of the Officers' Reserve Corps and of the Enlisted Reserve Corps; members of the National Guard of the United States; members of the Reserve Officers' Training Corps and members of the Citizens' Military Training Camps; or any part thereof, are paid by individuals, such individuals may be reimbursed therefor at an amount not exceeding that allowed by the Government for such services. See act June 15, 1936 (49 Stat. 1507); 10 U.S.C. 455d, 32 U.S.C. 164c. (49 Stat. 1507; 52 Stat. 399; 10 U.S.C. 455d, 916c and 32 U.S.C. 164c) [Pars. 2, 3 and 8, AR 30-1830, Mar. 1, 1939]

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-3671; Filed, May 22, 1941; 9:44 a. m.]

CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

PART 83—SALE OF SURPLUS OR UNSERVICEABLE PROPERTY¹

§ 83.20 *Sale of uniforms to individuals separated from the Army—(a) Statutory*

¹§ 83.20 is added.

²Administrative regulations of the War Department relative to preparation and disposition of remains.

provisions. Under such regulations as the Secretary of War may prescribe exterior articles of uniform may be sold to former members of the military service who have been separated therefrom under honorable conditions: *Provided*, That nothing in this act shall be construed as modifying in any way the provisions of section 125 of the act approved June 3, 1916 (39 Stat. 216), entitled "An act making further and more effectual provisions for the national defense, and for other purposes," as amended by section 8 of the act approved June 4, 1920 (41 Stat. 836). Any money realized from the sale of articles of uniform under this act shall be covered into the Treasury to the credit of the appropriation out of which such articles were purchased. See act February 14, 1927 (44 Stat. 1096); 10 U.S.C. 1395.

(b) *Certificate to accompany requests—(1) By individuals.* In order that a request may be valid it must be accompanied by the certificate of a commissioned officer of the Regular Army, who must certify, indicating his name, grade, and title, that he has examined the discharge certificate or other instrument of separation from the service, and is satisfied that the applicant has been separated from the service under honorable conditions; or the applicant must send or bring his discharge certificate or other instrument of separation (the original, or a sworn copy thereof) to a distribution point designated in (c) below.

(2) *By organizations of ex-service men.* Should any of the existing organizations composed of former members of the military service desire to purchase any of these supplies in bulk, such request will be valid when accompanied by a certificate of the ranking local official of the organization to the effect that the organization consists of former members of the military service in good standing, and that every reasonable precaution will be taken to prevent the wearing of the clothing contrary to the provisions of section 125, act of June 3, 1916, as amended.

(c) *Articles authorized for sale.* The following articles of the uniform may be sold to former enlisted men, who will pay the transportation charges:

Article	Unit	Price
Breeches, cotton, olive-drab.....	Pair.....	\$0.82
(World War type.)		
Breeches, wool, olive-drab.....	do.....	1.74
(World War type.)		
Caps, overseas, olive-drab.....	Each.....	.63
Chevrans, World War type.....	do.....	.19
(Indicate grade wanted.)		
Coats, cotton, service, olive-drab.....	do.....	1.44
(World War type.)		
Coats, wool, service, olive-drab.....	do.....	2.85
(World War type.)		
Hats, service.....	do.....	1.42
Leggings, canvas (mounted soldier).....	Pair.....	1.84
Leggings, spiral, wool.....	do.....	.61
Overcoats, olive-drab, knee length.....	Each.....	4.47
Stripes, service, war.....	do.....	.63
Blue (oversea).....	do.....	.07
Gold (wound or overseas).....	do.....	.03
Scarlet (discharge).....	do.....	1.70
Trousers, cotton, olive-drab.....	Pair.....	2.96
Trousers, wool, olive-drab.....	do.....	

(d) *Form for applications; remittances.* Each application for enlisted men's clothing must be prepared on W.D., Q.M.C. Form No. 403 (Order Blank for Clothing) and must be accompanied by a certified check or postal money order made payable to the Treasurer of the United States, or by cash for the full sum of the articles wanted. All cash remittances should be sent by registered mail.

(e) *Distribution point.* Applications, when practicable will be accompanied by a full and complete description of the articles wanted, and will be sent to distribution points as follows:

State in which applicant resides	Distribution point
Maine	Quartermaster supply officer, New York General Depot, 1st Ave. and 58th St., Brooklyn, N. Y.
New Hampshire	
Vermont	
Massachusetts	
Rhode Island	
Connecticut	
New York	
Pennsylvania	
New Jersey	
Delaware	
Maryland	
Virginia	
West Virginia	
North Carolina	
South Carolina	
Georgia	
District of Columbia	
Alabama	
Mississippi	
Louisiana	
Florida	Commanding officer, Chicago Quartermaster Depot, 1819 W. Pershing Rd., Chicago, Ill.
Arkansas	
Tennessee	
Kentucky	
Ohio	
Indiana	
Illinois	
Michigan	
Wisconsin	
Minnesota	
North Dakota	
South Dakota	
Nebraska	
Iowa	
Missouri	
Kansas	
Texas	
Oklahoma	Quartermaster supply officer, 8th Corps Area General Depot, Fort Sam Houston, Tex.
Arizona	
New Mexico	
Colorado	
Utah	
California	
Nevada	
Idaho	
Wyoming	
Montana	
Washington	Quartermaster supply officer, San Francisco General Depot, Fort Mason, San Francisco, Calif.
Oregon	

(44 Stat. 1096; 10 U.S.C. 1395) [AR 30-2290, Aug. 10, 1938, as amended by C-1, Dec. 15, 1939; Cir. 32, W.D., Mar. 25, 1940, Cir. 62, W.D., June 18, 1940, and Cir. 153, W.D., Dec. 16, 1940]

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-3672; Filed, May 22, 1941; 9:44 a. m.]

TITLE 16—COMMERCIAL PRACTICES CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3086]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF M. J. & H. J. MEYER COMPANY, INC.

§ 3.66 (k) (3) *Misbranding or mislabeling—Source or origin—Maker:* § 3.87

(c) *Simulating competitor or his product—Name, containers or dress of competitor's product.* In connection with offer, etc., in commerce, of Worcestershire sauce, whether sold under that name or under any other name, and among other things, as in order specified, (1) representing, through the use of wrappers, containers or labels which simulate the distinctive wrappers, containers or labels used by Lea & Perrins, Inc., in marketing its Worcestershire sauce, or in any other manner, that respondent's product is Worcestershire sauce manufactured and distributed by Lea & Perrins, Inc.; and (2) using wrappers, containers or labels which simulate the distinctive wrappers, containers or labels used by Lea & Perrins, Inc., on its Worcestershire sauce; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, M. J. & H. J. Meyer Company, Inc., Docket 3086, May 7, 1941]

§ 3.66 (k) (4) *Misbranding or mislabeling—Source or origin—Place—Domestic product as imported.* In connection with offer, etc., in commerce, of Worcestershire sauce, whether sold under that name or under any other name, and among other things, as in order specified, using the words "Pride of England" or any other words which designate English origin, in any way, to refer to or describe Worcestershire sauce which is not made in England, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, M. J. & H. J. Meyer Company, Inc., Docket 3086, May 7, 1941]

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 7th day of May, A. D. 1941.

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before W. W. Shepard and Lewis C. Russell, examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, and briefs filed herein by Alden S. Bradley and Karl Stecher, counsel for the Commission, and by Harry Yarm, counsel for the respondent, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, M. J. & H. J. Meyer Company, Inc., its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of Worcestershire sauce, whether sold under that name or under any other name, in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

¹ 5 F.R. 1541.

1. Representing, through the use of wrappers, containers or labels which simulate the distinctive wrappers, containers or labels used by Lea & Perrins, Inc., in marketing its Worcestershire sauce, or in any other manner, that respondent's product is Worcestershire sauce manufactured and distributed by Lea & Perrins, Inc.;

2. Using wrappers, containers or labels which simulate the distinctive wrappers, containers or labels used by Lea & Perrins, Inc., on its Worcestershire sauce;

3. Using the words "Pride of England" or any other words which designate English origin, in any way, to refer to or describe Worcestershire sauce which is not made in England.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order. By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-3652; Filed, May 21, 1941; 1:53 p. m.]

[Docket No. 3939]

PART 3—DIGEST OF CEASE AND DESIST ORDERS IN THE MATTER OF EMPIRE MONUMENT COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., in commerce, of cast stone tombstones, monuments, footstones, or other grave markers, and among other things, as in order specified, (1) representing that such products will not fade, crumble, or deteriorate from natural causes, or are impervious to the effects of heat, cold, dampness, or dryness, or will retain their original beauty throughout the years; and (2) misrepresenting in any manner or by any means the durability of such products or their resistance to the effects of exposure to natural weather conditions; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Empire Monument Company, Docket 3939, May 8, 1941]

§ 3.6 (i) *Advertising falsely or misleadingly—Free goods or service:* § 3.72 (e) *Offering deceptive inducements to purchase—Free goods.* In connection with offer, etc., in commerce, of cast stone tombstones, monuments, footstones, or other grave markers, and among other things, as in order specified, representing as "free", either by the use of the word stated or any other word or term of similar import or meaning, any article the cost of which is included in the purchase price of other merchandise in connection with which such article is offered, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15

U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Empire Monument Company, Docket 3939, May 8, 1941]

§ 3.6 (r) (7) *Advertising falsely or misleadingly—Prices—Usual as reduced:* § 3.6 (dd) *Advertising falsely or misleadingly—Special offers:* § 3.72 (n) *Offering deceptive inducements to purchase—Special offers.* In connection with offer, etc., in commerce, of cast stone tombstones, monuments, footstones, or other grave markers, and among other things, as in order specified, representing that the usual and customary prices at which respondent offers to sell or sells such products are "sale" or "special sale", or other special or reduced prices, either by the use of the terms stated or any other term or terms of similar import or meaning, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Empire Monument Company, Docket 3939, May 8, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of May, A. D. 1941.

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, testimony and other evidence in support of the allegations of said complaint and in opposition thereto taken before an examiner of the Commission theretofore duly designated by it, report of the trial examiner, briefs in support of the complaint and in opposition thereto (oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondent Lillie M. Sentell (formerly Lillie M. McClennon), an individual, trading as Empire Monument Company, or trading under any other name or names, her representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of cast stone tombstones, monuments, footstones, or other grave markers in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from, directly or by implication:

(1) Representing that such products will not fade, crumble, or deteriorate from natural causes; or are impervious to the effects of heat, cold, dampness, or dryness; or will retain their original beauty throughout the years;

(2) Misrepresenting in any manner or by any means the durability of such products or their resistance to the effects of exposure to natural weather conditions;

(3) Representing as "free", either by the use of the word stated or any other word or term of similar import or meaning, any article the cost of which is included in the purchase price of other merchandise in connection with which such article is offered;

(4) Representing that the usual and customary prices at which respondent offers to sell or sells such products are "sale" or "special sale," or other special or reduced prices, either by the use of the terms stated or any other term or terms of similar import or meaning.

It is further ordered, That respondent shall, within sixty (60) days after the service upon her of this order, file with the Commission a report in writing setting forth in detail the manner and form in which she has complied with this order.

It is further ordered, That the complaint be, and the same is, hereby dismissed as to respondent Charles J. McClennon.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-3653; Filed, May 21, 1941;
1:53 p. m.]

[Docket No. 3979]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF JACOB HOLTZ, ETC.

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of electric goods, clocks, lamps, household goods, or other merchandise, (1) selling or distributing electric goods, clocks, lamps, household goods, or any other merchandise accompanied by a Bingo set or any similar device to be, or which may be, used by the purchaser of said merchandise or others as a means of disposing of said merchandise by means of a game of chance, gift enterprise or lottery scheme; (2) supplying, etc., others with Bingo sets or similar devices, either with assortments of electric goods, clocks, lamps, household goods, or any other merchandise, or separately, which said Bingo sets or similar devices are to be, or may be, used in selling or distributing said merchandise to the public; and (3) selling, etc., any merchandise by means of a game of chance, gift enterprise or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and

desist order, Jacob Holtz, etc., Docket 3979, April 30, 1941]

In the Matter of Jacob Holtz and Abraham L. Holtz, Individually and as Copartners Trading Under the Names of Jacob Holtz and Jay Holtz Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of April, A. D. 1941.

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission, answer of respondent Abraham L. Holtz, testimony and other evidence taken before trial examiners duly designated by the Commission in support of the allegations of said complaint and the report of the trial examiners thereon, and brief filed on behalf of the Commission, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents Jacob Holtz and Abraham L. Holtz, individually and as copartners trading under the names of Jacob Holtz and Jay Holtz Company, their representatives, agents and employees, jointly and severally, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of electric goods, clocks, lamps, household goods, or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing electric goods, clocks, lamps, household goods, or any other merchandise accompanied by a Bingo set or any similar device to be used or which may be used by the purchaser of said merchandise or others as a means of disposing of said merchandise by means of a game of chance, gift enterprise or lottery scheme;

(2) Supplying to or placing in the hands of others Bingo sets or similar devices, either with assortments of electric goods, clocks, lamps, household goods, or any other merchandise, or separately, which said Bingo sets or similar devices are to be used or may be used in selling or distributing said electric goods, clocks, lamps, household goods or other merchandise to the public;

(3) Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That the respondents shall within sixty (60) days after service upon them of this order file with the Commission a report in writing setting forth in detail the manner and

¹ 5 F.R. 1296.

¹ 5 F.R. 1603.

form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-3654; Filed, May 21, 1941;
1:53 p. m.]

TITLE 24—HOUSING CREDIT CHAPTER IV—HOME OWNERS' LOAN CORPORATION

[Administrative Order No. 3-208]

PART 402—LOAN SERVICE DIVISION

PARTIAL RELEASES AND SUBORDINATION OF
LIENS, APPLICATION FOR; CONSENTS TO
REPAIRS AND IMPROVEMENTS

Section 402.03-35.1.¹ *Consent to repairs and improvements.* is amended by the addition of the following:

§ 402.03-35.1 *Consent to repairs and improvements.*

The Regional Manager, with the advice of the Regional Counsel, may waive the use of Form 535 in minor cases where he determines that sufficient informa-

1 5 F.R. 3669.

tion is otherwise available. In such cases the Corporation's consent, if required, may be indicated in a manner approved by the Regional Counsel. (Effective date June 2, 1941)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647: 12 U.S.C. 1463 (a), (k).)

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 41-3656; Filed, May 22, 1941;
9:23 a. m.]

TITLE 30—MINERAL RESOURCES CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-818]

PART 323—MINIMUM PRICE SCHEDULE DISTRICT No. 3

ORDER GRANTING TEMPORARY RELIEF AND
CONDITIONALLY PROVIDING FOR FINAL RE-

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 3

NOTE: The material contained in this Supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 Alphabetical list of code members—Supplement A

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Seam	Freight origin group No.	Size group Nos.															
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
539	Arnold, E. C.	Arnold	Pittsburgh	52	F	F	F	F	F	F	F	F	F	F	F	F				
1202	Casto & Fortnash (N. M. Fortnash)	Stalnaker #2	Redstone	31	F	F	F	F	F	F	F	F	F	F	F	F				
1207	Chidister, E. E. Coal Co.	Rock Forge	M. V. Freeport	70	F	F	F	F	F	F	F	F	F	F	F	F				
1000	Ferguson Brothers Company	Ferguson #3	Pittsburgh	61	F	F	F	F	F	F	F	F	F	F	F	F				
604	Raetz, D. L.	R. Own #1	Bakerstown	71	F	F	F	F	F	F	F	F	F	F	F	F				
156	Steele, D. P., Mrs.	Steele	Pittsburgh	32	F	F	F	F	F	F	F	F	F	F	F	F				

LIEF IN THE PETITION OF DISTRICT BOARD
3 FOR THE ESTABLISHMENT OF PRICE
CLASSIFICATIONS AND MINIMUM PRICES
FOR THE COALS OF CERTAIN MINES IN DIS-
TRICT NO. 3 NOT HERETOFORE CLASSIFIED
AND PRICED

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 3 not heretofore classified and priced; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above entitled matter, temporary relief be and the same hereby is granted as follows: Commencing forthwith, § 323.6 (Alphabetical list of code members) is amended by adding

thereto Supplement A, § 323.8 Special prices—(b) (Railroad fuel prices for all movements except via lakes) is amended by adding thereto Supplement B, § 323.8 Special prices—(c) (Railroad fuel prices for movement via all lakes—all ports) is amended by adding thereto Supplement C, and § 323.23 (General prices) is amended by adding thereto Supplement D, which supplements dated May 7, 1941, are hereinafter set forth.

It is further ordered, That pleadings in opposition to the original petition in the above entitled matter, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order. Dated: May 7, 1941.

[SEAL]
H. A. GRAY,
Director.

§ 323.8 *Special prices*—(b) *Railroad fuel prices for all movements except via lakes*—Supplement B. For railroad fuel prices, add these mine index numbers to the respective groups set forth in § 323.8 (b): Group No. 1: 639 (a), 1090, 196; group No. 2: 1206; group No. 3: 1207; group No. 6: 604.

TRUCK SHIPMENTS

§ 323.23 *General prices*—Supplement D

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	County	Size groups						
					Lump over 2' egg over 2' bot.	Lump 2' egg 2' bot.	Lump 1 1/2' and under, egg 1 1/2' and under, bottom size	All nut and pea	Run of mine result-	1 1/4" and 2" slack	3/4" slack
Casto & Forinash (N. M. Forinash), Chickadee, R. E. Coal Co.	1206	Stalnaker #2	Redstone	Lewis	223	218	218	190	183	178	168
Steele, D. P., Mrs.	1207	Rock Forge	M. V. Freepart	Monon	225	225	225	200	200	190	180
	196	Steele	Pittsburgh	Braxton	223	218	218	190	190	178	168

[F. R. Doc. 41-3633; Filed, May 21, 1941; 11:15 a. m.]

[Docket No. A-808]

PART 328—MINIMUM PRICE SCHEDULE

DISTRICT No. 8

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED FOR RAIL SHIPMENT BY CERTAIN MINES IN DISTRICT NO. 8 NOT HERETOFORE SO CLASSIFIED AND PRICED

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for coals produced for rail shipment by certain mines in District No. 8, which coals have not heretofore been so classified and priced; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above entitled matter, temporary relief be and the same hereby is granted as follows: Commencing forthwith, § 328.11 (*Alphabetical list of code members—High Volatile Coals*) is amended by adding thereto Supplement A, and § 328.21 (*Alphabetical list of code members—Low Volatile Coals*) is amended by adding thereto Supplement B, which supplements dated May 7, 1941, are hereinafter set forth.

It is further ordered, That pleadings in opposition to the original petition in the above entitled matter, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless the Director shall otherwise order. Dated: May 7, 1941.

[SEAL]

H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

NOTE: The material contained in this "Supplement" is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 Alphabetical list of code members—High volatile coals—Supplement A

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine Index No.	Code member	Mine name	Sub-dist. No.	High volatile seam	Freight origin group No.	Price classifications by size group Nos.																	
						For destinations other than Great Lakes																	
						1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.	17.	18.
1492	Abbott, Jake	Abbott	6	Stray	113	H	M	A	A	F	K	A	G	E	G	D	E	A	D	D	K	K	K
3016	Acton, E. O.	Acton	6	Blue Gem	111	M	M	A	A	F	K	A	G	E	G	D	E	A	D	D	K	K	K
1828	Barker, John	John Barker	6	Blue Gem	111	M	M	A	A	F	K	A	G	E	G	D	E	A	D	D	K	K	K
2978	Bartly, Hillard	H. Bartly	6	Blue Gem	111	M	M	A	A	F	K	A	G	E	G	D	E	A	D	D	K	K	K
5032	Bear Creek Coal Co. (J. H. Clark)	Bear Creek Coal Co.	1	Blue Gem	63	K	M	M	M	K	K	K	K	K	K	K	K	K	K	K	K	K	K
1583	Brown, Homer	Homer Brown	1	Blue Gem	111	M	M	A	A	F	K	A	G	E	G	D	E	A	D	D	K	K	K
943	Consumers Mining Corporation	Consumers	7	Blue Gem	111	M	M	A	A	F	K	A	G	E	G	D	E	A	D	D	K	K	K
2906	Deakin, Roy T.	Deakin	8	Blue Gem	111	M	M	A	A	F	K	A	G	E	G	D	E	A	D	D	K	K	K
2908	Douglas, Roy T.	Douglas	8	Blue Gem	111	M	M	A	A	F	K	A	G	E	G	D	E	A	D	D	K	K	K
2208	Douglas Coal Co. (B. S. Gillespie)	Douglas Coal Co.	2	Blue Gem	111	M	M	A	A	F	K	A	G	E	G	D	E	A	D	D	K	K	K
1276	Earsler, G. W. (Eureka Coal Mines)	Earsler	2	Blue Gem	111	M	M	A	A	F	K	A	G	E	G	D	E	A	D	D	K	K	K
2736	Gordon, O. L. (London Coal Co.)	Gordon	2	Blue Gem	111	M	M	A	A	F	K	A	G	E	G	D	E	A	D	D	K	K	K
1716	Gum, E. L.	Gum	2	Blue Gem	111	M	M	A	A	F	K	A	G	E	G	D	E	A	D	D	K	K	K
2777	Hale & Rose Coal Co.	Hale & Rose Coal Co.	2	Blue Gem	111	M	M	A	A	F	K	A	G	E	G	D	E	A	D	D	K	K	K
4071	Hall & Stumbo (Wayne Stumbo)	Hall & Stumbo	1	Blue Gem	50	H	M	A	A	F	K	A	G	E	G	D	E	A	D	D	K	K	K
631	Hall & Stumbo (Wayne Stumbo)	Hall & Stumbo	1	Blue Gem	50	H	M	A	A	F	K	A	G	E	G	D	E	A	D	D	K	K	K
632	Hall & Stumbo (Wayne Stumbo)	Hall & Stumbo	1	Blue Gem	50	H	M	A	A	F	K	A	G	E	G	D	E	A	D	D	K	K	K
633	Hall & Stumbo (Wayne Stumbo)	Hall & Stumbo	1	Blue Gem	50	H	M	A	A	F	K	A	G	E	G	D	E	A	D	D	K	K	K
634	Hall & Stumbo (Wayne Stumbo)	Hall & Stumbo	1	Blue Gem	50	H	M	A	A	F	K	A	G	E	G	D	E	A	D	D	K	K	K
4070	Hall & Stumbo (Wayne Stumbo)	Hall & Stumbo	1	Blue Gem	50	H	M	A	A	F	K	A	G	E	G	D	E	A	D	D	K	K	K
4069	Hall & Stumbo (Wayne Stumbo)	Hall & Stumbo	1	Blue Gem	50	H	M	A	A	F	K	A	G	E	G	D	E	A	D	D	K	K	K
3339	Hall & Stumbo (Wayne Stumbo)	Hall & Stumbo	1	Blue Gem	50	H	M	A	A	F	K	A	G	E	G	D	E	A	D	D	K	K	K
623	Hall & Stumbo (Wayne Stumbo)	Hall & Stumbo	1	Blue Gem	50	H	M	A	A	F	K	A	G	E	G	D	E	A	D	D	K	K	K
622	Hall & Stumbo (Wayne Stumbo)	Hall & Stumbo	1	Blue Gem	50	H	M	A	A	F	K	A	G	E	G	D	E	A	D	D	K	K	K
4068	Hall & Stumbo (Wayne Stumbo)	Hall & Stumbo	1	Blue Gem	50	H	M	A	A	F	K	A	G	E	G	D	E	A	D	D	K	K	K
630	Hall & Stumbo (Wayne Stumbo)	Hall & Stumbo	1	Blue Gem	50	H	M	A	A	F	K	A	G	E	G	D	E	A	D	D	K	K	K
635	Hall & Stumbo (Wayne Stumbo)	Hall & Stumbo	1	Blue Gem	50	H	M	A	A	F	K	A	G	E	G	D	E	A	D	D	K	K	K
4068	Hall & Stumbo (Wayne Stumbo)	Hall & Stumbo	1	Blue Gem	50	H	M	A	A	F	K	A	G	E	G	D	E	A	D	D	K	K	K
637	Hall & Stumbo (Wayne Stumbo)	Hall & Stumbo	1	Blue Gem	50	H	M	A	A	F	K	A	G	E	G	D	E	A	D	D	K	K	K
1574	Holliday, M. H. St.	Holliday	1	Blue Gem	50	H	M	A	A	F	K	A	G	E	G	D	E	A	D	D	K	K	K
1870	Holt & Sons, L. C.	Holt & Sons	2	Blue Gem	111	M	M	A	A	F	K	A	G	E	G	D	E	A	D	D	K	K	K
1872	Hone Coal Company, Inc.	Hone Coal Company	2	Blue Gem	111	M	M	A	A	F	K	A	G	E	G	D	E	A	D	D	K	K	K
1494	Houston Brothers (E. Houston)	Houston Brothers	4	Blue Gem	137	O	O	M	M	K	K	K	K	K	K	K	K	K	K	K	K	K	K
1093	Jarvis, Dill	Jarvis	4	Blue Gem	111	M	M	A	A	F	K	A	G	E	G	D	E	A	D	D	K	K	K
2544	Johnson, F. M. (Famous Elkborn Coal Co.)	Johnson	1	Blue Gem	61	K	K	K	K	K	K	K	K	K	K	K	K	K	K	K	K	K	K
2180	Kelly, H. C.	Kelly	7	Blue Gem	294	M	M	A	A	F	K	A	G	E	G	D	E	A	D	D	K	K	K
1443	Liebling, F. B. (Lievling & Son, F. B.)	Liebling	4	Blue Gem	240	Q	Q	M	M	K	K	K	K	K	K	K	K	K	K	K	K	K	K
2019	McCoy, F. A.	McCoy	7	Blue Gem	50	Q	Q	M	M	K	K	K	K	K	K	K	K	K	K	K	K	K	K
2570	Price Brothers (E. C. Price)	Price Brothers	4	Blue Gem	123	Q	Q	M	M	K	K	K	K	K	K	K	K	K	K	K	K	K	K
2665	Puckett Creek Coal Corporation	Puckett Creek Coal Corp.	7	Blue Gem	201	Q	Q	M	M	K	K	K	K	K	K	K	K	K	K	K	K	K	K
2553	Ross, W. R.	Ross	7	Blue Gem	50	M	M	A	A	F	K	A	G	E	G	D	E	A	D	D	K	K	K
2571	Stollings, Opie	Stollings	4	Blue Gem	123	Q	Q	M	M	K	K	K	K	K	K	K	K	K	K	K	K	K	K
2590	Straight Creek Jellico Coal Co.	Straight Creek Jellico Coal Co.	4	Blue Gem	111	M	M	A	A	F	K	A	G	E	G	D	E	A	D	D	K	K	K
1600	Swaiford & Gregory (Monroe Gregory)	Swaiford & Gregory	6	Blue Gem	111	M	M	A	A	F	K	A	G	E	G	D	E	A	D	D	K	K	K
6052	Watts & Felner (W. M. Watts)	Watts & Felner	3	Blue Gem	100	M	M	A	A	F	K	A	G	E	G	D	E	A	D	D	K	K	K
1267	Webb, W. H.	Webb	6	Blue Gem	103	H	M	A	A	F	K	A	G	E	G	D	E	A	D	D	K	K	K
1740	Wilkinson, Jim	Wilkinson	6	Blue Gem	111	M	M	A	A	F	K	A	G	E	G	D	E	A	D	D	K	K	K

§ 328.21 Alphabetical list of code members—Low volatile coals—Supplement B

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Sub-dist. No.	Low volatile seam	Freight origin group No.	Price classifications by size group Nos.									
						1	2	3	4	5	6	7	8	9	10
2451	Dixon, D. J...	Rooster Hollow Coal Co...	9	Raven...	21	C	C	D	E	A	A	A	H	H	H

[F. R. Doc. 41-3632; Filed, May 21, 1941; 11:15 a. m.]

TITLE 47—TELECOMMUNICATION CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 3—RULES GOVERNING STANDARD AND HIGH FREQUENCY BROADCAST STATIONS

CLEAR CHANNELS; CLASS I AND II STATIONS, AMENDMENT

The Commission on May 20, 1941, effective immediately, reinstated its action of April 7, 1941, amending § 3.25¹ by striking the figure "850" from paragraph (a) and adding the figure "850" immediately following the figure "810" in paragraph (b). (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i); sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

By the Commission

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-3675; Filed, May 22, 1941; 11:46 a. m.]

Notices

TREASURY DEPARTMENT.

Bureau of the Public Debt.

[1941 Department Circular No. 661]

OFFERING OF 2½ PERCENT TREASURY BONDS OF 1956-58

MAY 22, 1941.

I. OFFERING OF BONDS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for 2½ percent bonds of the United States, designated Treasury Bonds of 1956-58. The amount of the offering is \$600,000,000, or thereabouts, with the right reserved to the Secretary of the Treasury to increase the offering by an amount sufficient to accept all subscriptions for which Treasury Bonds of 1941, maturing August 1, 1941, are tendered in payment and accepted.

II. DESCRIPTION OF BONDS

1. The bonds will be dated June 2, 1941, and will bear interest from that

¹ 6 F.R. 1875, 2261.

date at the rate of 2½ percent per annum, payable on a semiannual basis on September 15, 1941, and thereafter on March 15 and September 15 in each year until the principal amount becomes payable. They will mature March 15, 1958, but may be redeemed at the option of the United States on and after March 15, 1956, in whole or in part, at par and accrued interest, on any interest day or days, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption the bonds to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

2. The income derived from the bonds shall be subject to all Federal taxes, now or hereafter imposed. The bonds shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys, but will not bear the circulation privilege and will not be entitled to any privilege of conversion.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of \$50, \$100, \$500, \$1,000, \$5,000, \$10,000, and \$100,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Subscribers must agree not to sell or otherwise dispose of their subscriptions, or of the securities which may be allotted thereon, prior to the closing

of the subscription books. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than banking institutions will not be permitted to enter subscriptions except for their own account. Cash subscriptions from banks and trust companies for their own account will be received without deposit but will be restricted in each case to an amount not exceeding one-half of the combined capital and surplus of the subscribing bank or trust company. Cash subscriptions from all others must be accompanied by payment of 10 percent of the amount of bonds applied for.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of bonds applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, subscriptions in payment of which Treasury Bonds of 1941 are tendered will be allotted in full. Allotment notices will be sent out promptly upon allotment, and the basis of the allotment will be publicly announced.

IV. PAYMENT

1. Payment at par and accrued interest, if any, for bonds allotted on cash subscriptions hereunder must be made or completed on or before June 2, 1941, or on later allotment. In every case where payment is not so completed, the payment with application up to 10 percent of the amount of bonds applied for shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depository will be permitted to make payment by credit for bonds allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its district. Treasury Bonds of 1941, maturing August 1, 1941, will be accepted at par in payment for any bonds subscribed for and allotted, and should accompany the subscription. Coupons dated August 1, 1941, must be attached to coupon bonds when surrendered. Accrued interest from February 1, 1941, to June 2, 1941 (\$10.86326 per \$1,000) will be paid following acceptance of the bonds. In the case of registered bonds, checks will be drawn in accordance with the assignments on the bonds surrendered:

V. SURRENDER OF MATURING BONDS

1. *Coupon bonds.* Treasury Bonds of 1941 in coupon form tendered in payment for bonds offered hereunder should be presented and surrendered with the subscription to a Federal Reserve Bank or Branch or to the Treasurer of the United States, Washington, D. C. The bonds must be delivered at the expense and risk of the holder. Facilities for transportation of bonds by registered mail insured

may be arranged between incorporated banks and trust companies and the Federal Reserve Banks, and holders may take advantage of such arrangements when available, utilizing such incorporated banks and trust companies as their agents.

2. *Registered bonds.* Treasury Bonds of 1941 in registered form tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be presented and surrendered with the subscription to a Federal Reserve Bank or Branch or to the Treasury Department, Division of Loans and Currency, Washington, D. C. The bonds must be delivered at the expense and risk of the holder. If the new bonds are desired registered in the same name as the bonds surrendered, the assignment should be to "The Secretary of the Treasury for exchange for Treasury Bonds of 1956-58"; if the new bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for Treasury Bonds of 1956-58 in the name of _____"; if new bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for Treasury Bonds of 1956-58 in coupon form to be delivered to _____."

VI. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 41-3673; Filed, May 22, 1941;
11:40 a. m.]

[1941 Department Circular No. 662]

OFFERING OF 3/4 PERCENT TREASURY NOTES OF SERIES D-1943, ADDITIONAL ISSUE

MAY 22, 1941.

I. OFFERING OF NOTES

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of

the United States for 3/4 percent notes of the United States, designated Treasury Notes of Series D-1943, in payment of which only Treasury Bonds of 1941, maturing August 1, 1941, may be tendered. The amount of the offering under this circular will be limited to the amount of Treasury Bonds of 1941 tendered and accepted.

II. DESCRIPTION OF NOTES

1. The notes now offered will be an addition to and will form a part of the series of 3/4 percent Treasury Notes of Series D-1943 issued pursuant to Department Circulars No. 650, dated February 25, 1941, and No. 652, dated March 19, 1941, will be freely interchangeable therewith, are identical in all respects therewith, and are described in the following quotation from Department Circular No. 650:

"1. The notes will be dated March 15, 1941, and will bear interest from that date at the rate of 3/4 percent per annum, payable semiannually on September 15, 1941, and thereafter on March 15 and September 15 in each year until the principal amount becomes payable. They will mature March 15, 1943, and will not be subject to call for redemption prior to maturity.

"2. The income derived from the notes shall be subject to all Federal taxes, now or hereafter imposed. The notes shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

"3. The notes will be accepted at par during such time and under such rules and regulations as shall be prescribed or approved by the Secretary of the Treasury in payment of income and profits taxes payable at the maturity of the notes.

"4. The notes will be acceptable to secure deposits of public moneys, but will not bear the circulation privilege.

"5. Bearer notes with interest coupons attached will be issued in denominations of \$100, \$500, \$1,000, \$5,000, \$10,000 and \$100,000. The notes will not be issued in registered form.

"6. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes."

III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, and to close the books as to any or all subscriptions

at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. PAYMENT

1. Payment at par for notes allotted hereunder must be made or completed on or before June 2, 1941, or on later allotment, and may be made only in Treasury Bonds of 1941, maturing August 1, 1941, which will be accepted at par, and should accompany the subscription. Coupons dated August 1, 1941, must be attached to coupon bonds when surrendered. Accrued interest from February 1, 1941, to June 2, 1941 (\$10.86326 per \$1,000) on the maturing bonds will be credited, and accrued interest from March 15, 1941, to June 2, 1941 (\$1.61005 per \$1,000) on the new notes will be charged, to subscribers. The difference (\$9.25321 per \$1,000) will be paid following acceptance of the bonds. In the case of registered bonds, checks will be drawn in accordance with the assignments on the bonds surrendered.

V. SURRENDER OF MATURING BONDS

1. *Coupon bonds.* Treasury Bonds of 1941 in coupon form tendered in payment for notes offered hereunder should be presented and surrendered with the subscription to a Federal Reserve Bank or Branch or to the Treasurer of the United States, Washington, D. C. The bonds must be delivered at the expense and risk of the holder. Facilities for transportation of bonds by registered mail insured may be arranged between incorporated banks and trust companies and the Federal Reserve Banks, and holders may take advantage of such arrangements when available, utilizing such incorporated banks and trust companies as their agents.

2. *Registered bonds.* Treasury Bonds of 1941 in registered form tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof to "The Secretary of the Treasury for exchange for Treasury Notes of Series D-1943 to be delivered to _____", in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange and thereafter should be presented and surrendered with the subscription to a Federal Reserve Bank or Branch or to the Treasury Department, Division of Loans and Currency, Washington, D. C. The bonds must be delivered at the expense and risk of the holder.

VI. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes

on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 41-3674; Filed, May 22, 1941;
11:40 a. m.]

WAR DEPARTMENT.

[Contract No. W 227-sc-3258]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: UNITED STATES RUBBER COMPANY, 1230 SIXTH AVENUE, NEW YORK, NEW YORK

Contract for: Wire * * *

Amount: \$3,143,250.00.

Place: New York Signal Corps Procurement District, 1st Avenue and 58th Street, Brooklyn, New York.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority SC-1313-P-5-3061-A-0605-01, the available balance of which is sufficient to cover cost of the same.

This contract, entered into this 30th day of April 1941.

Scope of this contract. The contractor shall furnish and deliver * * * miles Wire for the consideration stated three million one hundred forty-three thousand two hundred fifty dollars (\$3,143,250.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due

on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

The price stated herein is based upon an understanding between the parties hereto that the Government will provide, by a separate Emergency Plant Facilities Contract, for the additional facilities needed by the contractor for the performance of this contract, and that no part of the cost of such additional facilities is included in the price stated.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

Award made pursuant to the authority contained under Section 1 (a) of the Act of Congress approved July 2, 1940 (Pub. No. 703, H. R. 9850).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-3670; Filed, May 22, 1941;
9:44 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Dockets Nos. A-15, A-95, A-188, A-330, A-455, A-463, A-551, A-577, A-578, A-640, A-666, A-714, A-813]

PETITIONS OF JOHN TAYLOR, ET AL., ALLBURN COLLIERIES COAL CO., STAR COAL AND COKE CO., NORTON COAL CO., MIKE MECCA, DISTRICT BOARD NO. 9, GOULD ROAD COAL CO., S. G. PROFFIT, PUGH COAL CO., R. C. WILLIAMS COAL CO., BIG FOUR COAL CO., JOHN HERSKER AND E. E. CHIDESTER COAL CO.

ORDER TO SHOW CAUSE WHY PETITIONS SHOULD NOT BE DISMISSED

Petitions and other documents seeking relief under section 4 II (d) of the Bituminous Coal Act of 1937 were filed with this Division by the above-named parties and respectively docketed as above-designated.

In Docket No. A-15, the petitioners, John Taylor, et al., code members in District No. 8, requested a revision of the effective minimum prices for certain coals produced in said district. The petition was deficient in form and substance and notice thereof in writing was given to the petitioners by the Director under date of September 24, 1940, but the deficiency has not been corrected. The subject matter of the petition, however, is covered in a petition subsequently filed by John Taylor in Docket No. A-607.

In Docket No. A-95, the petitioner, Allburn Collieries Coal Co., a code member in District No. 8, requested modification of the price classifications and minimum prices for certain coals of its Allburn Mine (Mine Index No. 8). The petitioner failed to attend the informal conference scheduled in the matter and requested that the matter be continued generally. The subject matter of the petition is covered in a petition subsequently filed by District Board No. 8 in Docket No. A-113 and by Order entered therein on October 18, 1940, granting temporary relief.

In Docket No. A-188, the petitioner, Star Coal and Coke Co., a code member in District No. 7, requested modification of the price classifications and minimum prices established for certain coals of its Star Mine in that district. An informal conference was held in the matter on November 8, 1940, concluding with the withdrawal by the petitioner of its request for temporary relief on the ground that the subject matter of the petition was properly one for an application for authority to make substitutions under the Marketing Rules and Regulations established pursuant to the Act.

In Docket No. A-330, the petitioner, Norton Coal Co., a code member in District No. 8, protested against the price classifications and minimum prices established for the coals of its Norton Mine located in that district. The petition was deficient in form and substance and notice thereof in writing was given to the petitioner by the Director under date of December 9, 1940, but the deficiency has not been corrected.

In Docket No. A-455, the petitioner, Mike Mecca, a code member in District No. 19, requested modification of the effective minimum prices for certain coals produced at his Twin Creeks Mine in that district. The petition was deficient in form and substance and notice thereof in writing was given to the petitioner by the Director under date of January 2, 1941, but the deficiency has not been corrected.

In Docket No. A-463, the petitioner, District Board No. 9, requested revision of the minimum prices for shipment by truck for the coals of certain mines in District No. 9. The petition was deficient in form and substance and notice thereof in writing was given to the petitioner by the Director under date of December 19, 1940, but the deficiency has not been corrected. The subject matter of the petition is now included in the petition since filed by District Board No. 9 in Docket No. A-620 which has been set for hearing on June 18, 1941.

In Docket No. A-551, the petitioner, Gould Road Coal Co., a code member in District No. 4, requested modification of the effective minimum price for the slack coals produced at its mine in that district. The petition was deficient in form and substance and notice thereof in writing was given to the petitioner by the Director under date of January 18, 1941, but the deficiency has not been corrected.

In Docket No. A-577, the petitioner, S. G. Proffit, a code member in District No. 8, requested modification of the effective minimum price for the slack coals produced at his Terrill Mine in that District. The petition was deficient in form and substance and notice thereof in writing was given to the petitioner by the Director under date of January 18, 1941, but the deficiency has not been corrected. However, the subject matter of the petition was covered in a petition filed by District Board No. 8 in Docket No. A-528 wherein an Order was entered on January 31, 1941, granting temporary relief which became final sixty (60) days thereafter.

In Docket No. A-578, the petitioner, Pugh Coal Co., a code member in District No. 7, requested the establishment of an additional price classification and minimum price for certain coals produced at its Stonecliff Mine in that district. The subject matter of the petition was covered in the petition of District Board No. 7 filed in Docket No. A-48. Final adjudication thereof was therein made by the Director's Order of February 13, 1941.

In Docket No. A-640, the petitioner, R. C. Williams Coal Co., a code member in District No. 4, requested the establishment of price classifications and minimum prices for shipment by rail for the coals produced at its Riverview Mine (Mine Index No. 580) in that district. On March 25, 1941, an Order was entered upon the petition of District Board No. 4 in Docket No. A-656, extending temporary and conditionally final relief on the subject of the instant petition.

In Docket No. A-666, the petitioner, Big Four Coal Co., a code member in District No. 4, requested modification of the effective minimum prices for the slack coals produced at its mine in that district. On March 20, 1941, Consumers' Counsel Division filed a motion, together with due proof of service thereof, to dismiss the petition on the ground that it had not been served with a copy thereof. The petitioner has interposed no opposition to that motion.

In Docket No. A-714, the petitioner, John Hersker, a code member in District No. 1, requested the establishment of additional price classifications and minimum prices for the coals produced at his Shade Mine (Mine Index No. 456) in that district. The subject matter of the petition was covered in a petition filed by District Board No. 1 in Docket No. A-755 and has been adjudicated by the Director's Order thereinbefore entered extending temporary relief and conditionally providing for final relief in the premises.

In Docket No. A-813, the petitioner, E. E. Chidester Coal Co., a code member in District No. 3, requested the establishment of price classifications and minimum prices for the coals of its Rock Forge Mine in that district. The petition was deficient in form and substance.

However, the relief therein requested was also asked in a petition filed by District Board No. 3 in Docket No. A-818 and, on May 7, 1941, by the Director's order in the latter docket, was granted temporarily and provision made for it becoming final within sixty (60) days thereafter.

It appearing from the foregoing that the petitioners in the above-designated dockets probably have no further interest to proceed therein,

Now, therefore, it is ordered, That said petitioners show cause why the foregoing proceedings should not be dismissed at a hearing before Joseph D. Dermody or any other officer of the Division duly designated to preside at such hearing on June 24, 1941, at 9 a. m., at a hearing room of the Division, 734 Fifteenth Street NW., Washington, D. C., at which time the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held. The dismissal of any proceeding pursuant to this Order, however, shall be without prejudice to the rights of the petitioner in any other pending proceeding, or any new proceeding concerning the same subject matter. Dated: May 21, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-3664; Filed, May 22, 1941;
9:30 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order No. 109]

APPOINTMENT OF INDUSTRY COMMITTEE NO. 30 FOR THE LUMBER AND TIMBER PRODUCTS INDUSTRY

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Baird Snyder, Acting Administrator of the Wage and Hour Division, U. S. Department of Labor, do hereby appoint and convene for the lumber and timber products industry (as such industry is defined in paragraph 2) an industry committee composed of the following representatives:

For the Public:

William Homer Spencer, Chairman,
Chicago, Illinois.
Leslie H. Buckler, Charlottesville,
Virginia.
Clyde E. Dankert, Hanover, New
Hampshire.
G. Allan Dash, Jr., Philadelphia,
Pennsylvania.
Royal E. Montgomery, Ithaca, New
York.
George E. Osborne, Palo Alto, California.
Arthur F. Raper, Greensboro,
Georgia.
William G. Rice, Jr., Madison,
Wisconsin.

For the Employees:

Frank Chapman, Seattle, Washington.

Paul R. Christopher, Knoxville, Tennessee.

Frank P. Fenton, Washington, D. C.
M. A. Hutcheson, Indianapolis, Indiana.

A. W. Muir, Indianapolis, Indiana.
James Robb, Indianapolis, Indiana.
Ray Thomason, Richmond, Virginia.
Robert J. Watt, Washington, D. C.

For the Employers:

P. A. Bloomer, Fisher, Louisiana.
C. Arthur Bruce, Memphis, Tennessee.

E. J. Curtis, Clinton, Iowa.
C. H. Kreienbaum, Shelton, Washington.

William P. Long, Lisbon, New Hampshire.

James G. McNary, McNary, Arizona.
Lee Robinson, Mt. Vernon, Alabama.
Jack W. Simmons, Tallahassee, Florida.

Such representatives having been appointed with due regard to the geographical regions in which such industry is carried on.

2. For the purpose of this order the term "lumber and timber products industry" means:

Wood saw milling and surfacing; wood reworking, including but without limitation kiln or air drying, and the manufacture of planing mill products, dimension stock, boxes, and wood turnings and shapings; and the manufacture of specialized timber products including but without limitation shingles, cooperage stock, veneer, plywood, and veneer packaging; *Provided, however,* That the term does not include cooperage or the manufacture of cigar boxes, cork products, reed and rattan products except vegetable and fruit baskets, or furniture and furniture parts as defined in Administrative Order No. 108.

The manufacture of any products covered under this definition shall be deemed to begin with the unloading of the raw material at the mill site.

3. The definition of the lumber and timber products industry covers all occupations in the industry which are necessary to the production of products covered in the definition including clerical, maintenance, shipping and selling occupations, *Provided, however,* This definition does not cover clerical, maintenance, shipping and selling occupations when carried on in an establishment, the greater part of whose sales are of products not covered in the definition, or employees of an independent wholesaler or employees of a manufacturer who are engaged exclusively in marketing and distributing products of the industry which have been purchased for resale. *And provided further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by

his employer in accordance with applicable regulations of the Wage and Hour Division.

4. The industry committee herein created shall meet on June 23, 1941, at 10 a. m. in Conference Rooms A and B, Interdepartmental Auditorium, Constitution Avenue, between 12th and 14th Streets, NW., Washington, D. C., and, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, shall proceed to investigate conditions in the industry and recommend to the Administrator minimum wage rates for all employees thereof who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by virtue of the provisions of section 13 (a) and employees coming under the provisions of section 14.

Signed at Washington, D. C., this 17th day of May 1941.

BAIRD SNYDER III,
Acting Administrator.

[F. R. Doc. 41-3685; Filed, May 22, 1941;
11:52 a. m.]

NOTICE OF PUBLIC HEARING BEFORE INDUSTRY COMMITTEE NO. 30 FOR THE PURPOSE OF RECEIVING EVIDENCE TO BE CONSIDERED IN RECOMMENDING MINIMUM WAGE RATES FOR THE LUMBER AND TIMBER PRODUCTS INDUSTRY

In conformity with the Fair Labor Standards Act of 1938, 52 Stat. 1060, and § 511.11 of Part 511 of the Rules and Regulations issued pursuant thereto, notice is hereby given to all interested persons that a public hearing will be held beginning at 10 A. M., June 23, 1941, in Conference Rooms A and B, Interdepartmental Auditorium, Constitution Avenue, between 12th and 14th Streets Northwest, Washington, D. C., for the purpose of receiving evidence to be considered by Industry Committee No. 30 in determining the highest minimum wage rates for the Lumber and Timber Products Industry, which, having due regard to economic and competitive conditions, will not substantially curtail employment.

The term "Lumber and Timber Products Industry" is defined in Administrative Order No. 109, issued May 17, 1941, as follows:

Wood saw milling and surfacing; wood reworking, including but without limitation kiln or air drying and the manufacture of planing mill products, dimension stock, boxes, and wood turnings and shapings; and the manufacture of specialized timber products including but without limitation shingles, cooperage stock, veneer, plywood, and veneer packaging: *Provided, however*, That the term does not include cooperage or the manufacture of cigar boxes, cork products, reed and rattan products except vege-

table and fruit baskets, or furniture and furniture parts as defined in Administrative Order No. 108.

The manufacture of any products covered under this definition shall be deemed to begin with the unloading of the raw material at the mill site.

The definition of the lumber and timber products industry covers all occupations in the industry which are necessary to the production of products covered in the definition including clerical, maintenance, shipping and selling occupations, *Provided, however*, This definition does not cover clerical, maintenance, shipping and selling occupations when carried on in an establishment the greater part of whose sales are of products not covered in the definition, or employees of an independent wholesaler or employees of a manufacturer who are engaged exclusively in marketing and distributing products of the industry which have been purchased for resale, *And provided further*, That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

Industry Committee No. 30 was created by Administrative Order No. 109 referred to above. It is charged, in accordance with the provisions of the Fair Labor Standards Act of 1938 and Rules and Regulations promulgated thereunder, with the duty of investigating conditions in the Lumber and Timber Products Industry and recommending to the Administrator minimum wage rates for all employees thereof who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce", excepting employees exempted by the provisions of section 13 (a) and employees coming under the provisions of section 14.

Any person who, in the opinion of the Committee or its duly authorized subcommittee, has a substantial interest in the proceeding and is prepared to present material pertinent to the question under consideration, may appear on his own behalf or on behalf of any other person. Persons desiring to appear are requested to file with Burton E. Oppenheim, Director of the Industry Committee Branch, Wage and Hour Division, U. S. Department of Labor, Washington, D. C., prior to June 17, 1941, a Notice of Intention to Appear containing the following information:

- (1) The name and address of the person appearing.
- (2) If he is appearing in a representative capacity, the name and address of the person or persons whom, or organization which, he is representing.
- (3) A brief summary of the material intended to be presented.

(4) The approximate length of time which his presentation will consume.

Since the Committee may refuse to hear certain persons on the basis of information received pursuant to item (3) above, and since the length of the hearing will require that appearances be scheduled, persons who have filed Notice of Intention to Appear will be notified whether or not they will be heard and if so at what time.

All testimony will be taken under oath and subjected to reasonable cross examination by any interested person present.

Written briefs of persons who cannot appear personally will be considered by the Committee provided that *thirty-five* copies thereof are received at the address last given not later than June 19, 1941.

Signed at Washington, D. C., this 19th day of May 1941.

WILLIAM HOMER SPENCER,
Chairman.

[F. R. Doc. 41-3684; Filed, May 22, 1941;
11:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5678]

NOTICE RELATIVE TO JULIO M. CONESA (WPRP)

Application dated April 19, 1939, for construction permit; class of service, broadcast; class of station, broadcast; location, Ponce, Puerto Rico; operating assignment specified: Frequency, 1,480 kc.; power, 1 kw. night, 5 kw. day; hours of operation, unlimited.

You are hereby notified that the Commission vacated and set aside its action of April 13, 1940, granting the above-described application and designated said application for hearing for the following reasons:

1. To determine whether the applicant is financially qualified to construct and operate Station WPRP as proposed in his application.
2. To determine whether or not the equipment proposed to be installed for the operation of Station WPRP complies in all respects with the Rules and Regulations of the Commission, and the Standards of Good Engineering Practice.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance

with the provisions of §1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Julio M. Conesa, Radio Station WPRP,
#4 Trujillo St., Ponce, Puerto Rico.

Dated at Washington, D. C., May 20,
1941.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-3666; Filed, May 22, 1941;
9:43 a. m.]

[Docket No. 6097]

NOTICE RELATIVE TO HAWAIIAN BROADCAST-
ING SYSTEM, LTD. (NEW)

Application dated September 12, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, Honolulu, T. H.; operating assignment specified: Frequency, 1,310 kc. (1,340 kc. NARBA); power, 250 watts; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the qualifications of the applicant to construct and operate the proposed station in the public interest.

2. To determine the extent to which the applicant controls existing media for the dissemination of intelligence with particular reference to radio, newspaper and motion picture theater facilities in the proposed service area.

3. To determine the extent to which the Consolidated Amusement Company, Ltd., which owns 55.55% of the stock of the applicant corporation, controls existing media for the dissemination of intelligence with particular reference to motion picture facilities in the proposed service area.

4. To determine the extent to which the Honolulu Star-Bulletin, Ltd., which owns 24.25% of the stock of the applicant corporation, controls existing media for the dissemination of intelligence with particular reference to newspapers in the proposed service area.

5. To determine the nature, character and extent of the foreign language films distributed in the proposed service area by Consolidated Amusement Company, Ltd. (a) to theaters not owned by it and (b) to theaters owned by it.

6. To determine whether in view of the facts relating to the foregoing issues a grant would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Hawaiian Broadcasting System, Ltd.,
P. O. Box 581, Honolulu, Hawaii.

Dated at Washington, D. C., May 20,
1941.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-3667; Filed, May 22, 1941;
9:43 a. m.]

[Docket No. 6105]

NOTICE RELATIVE TO JULIO M. CONESA
(WPRP)

Application dated May 27, 1940, for renewal of license; class of service, broadcast; class of station, broadcast; location, Ponce, Puerto Rico; present assignment; Frequency, 1,420 kcs.; power, 250 watts; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the applicant is technically, financially and otherwise qualified to continue the operation of Station WPRP.

2. To determine whether the equipment installed for use at Station WPRP, particularly the ground system, was and is in accordance with the representations made to the Commission by the applicant in the original application for construction permit and subsequent applications, and in compliance with the provisions of the Communications Act of 1934, as amended, and the Rules and Regulations of the Commission.

3. To determine whether Station WPRP has at all times, particularly on May 21, 1936, June 4, 1938, October 26, 1938, January 9, 1940, January 24, 1941, and February 18, 1941, been maintained and operated in accordance with the provisions of the Communications Act of 1934, as amended, particularly Section 318 thereof, the terms of the station license, the Standards of Good Engineering Practice, and the Rules and Regulations of the Commission, particularly Rules 170; 172; 142; 145; 132; 139; 173; 174; and §§ 3.90; 3.46; 3.71; 3.60; 2.55; 3.401; 3.404; and 3.62 thereof.

4. To determine whether or not the applicant has at any time made any false statements or misrepresentations in any application or other document, filed with the Commission, in connection with the

construction and operation of Station WPRP.

5. To determine whether a grant of the application for renewal of license to operate Station WPRP, and the continued operation thereof, would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Julio M. Conesa, Radio Station DPRP,
#4 Trujillo St., Ponce, Puerto Rico.

Dated at Washington, D. C., May 20,
1941.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-3668; Filed, May 22, 1941;
9:43 a. m.]

[Docket No. 6107]

NOTICE RELATIVE TO JULIO M. CONESA
(WPRP)

Application dated July 26, 1940, for Modification of C. P.; class of service, broadcast; class of station, broadcast; location, Ponce, Puerto Rico; operating assignment specified: Frequency, 1,520 kc. under NARBA; power, 1 kw. night, 5 kw. day; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reason:

1. To determine whether the operation of Station WPRP as proposed complies with the Rules of the Commission governing Standard Broadcast Stations, particularly §§ 3.45 and 3.46, and the Standards of Good Engineering Practice, as to the proposed transmitter, transmitter site and antenna.

The application involved herein will not be granted by the Commission unless the issue listed above is determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on said issue by filing a written appearance in

accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Julio M. Conesa, Radio Station WPRP,
#4 Trujillo St., Ponce, Puerto Rico.

Dated at Washington, D. C., May 20, 1941.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-3669; Filed, May 22, 1941;
9:43 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-236]

IN THE MATTER OF CONSOLIDATED ELECTRIC AND GAS COMPANY, ATLANTA GAS LIGHT COMPANY, MACON GAS COMPANY, AND GEORGIA PUBLIC UTILITIES COMPANY

SUPPLEMENTAL ORDER

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of May, A. D. 1941.

The Commission having in its Order of March 6, 1941, in the above-entitled matter, reserved jurisdiction with regard to the payment of fees, commissions or other compensation in connection with the issuance and sale of the 3½% General Mortgage Bonds of Atlanta Gas Light Company, due January 1, 1961, in the principal amount of \$2,200,000; and

It now appearing to the Commission that the fee to be paid to The First Boston Corporation in the amount of \$15,000 for its services in connection with the issuance and sale of the aforesaid Bond is not unreasonable:

It is therefore ordered, That paragraph number (1) of the Commission's Order of March 6, 1941, which reads:

"(1) That pending further order of the Commission no fees, commissions or other compensation shall be paid in connection with the issuance and sale of the 3½% General Mortgage Bonds of Atlanta Gas Light Company due January 1, 1961, in the principal amount of \$2,200,000."

be, and the same hereby is, no longer in effect.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-3681; Filed, May 22, 1941;
11:50 a. m.]

[File No. 60-15]

IN THE MATTER OF BLAIR & Co., INC., SCHRODER, ROCKEFELLER & Co., INCORPORATED, EMANUEL & Co., A. C. ALLYN AND COMPANY, INCORPORATED, W. C. LANGLEY & Co., GRANBERY, MARACHE & LORD, JOINTLY AND SEVERALLY, RESPONDENTS

SUPPLEMENTAL NOTICE AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of May, A. D. 1941.

The Commission having instituted these proceedings pursuant to section 2 (a) (7) (B) of the Public Utility Holding Company Act of 1935 to determine whether the above named parties, or any one or more of them, directly or indirectly exercise (either alone or pursuant to an arrangement or understanding with one or more other persons) such a controlling influence over the management or policies of the Standard Power and Light Corporation and/or subsidiaries thereof as to make it necessary or appropriate in the public interest or for the protection of investors or consumers that said Respondents, or any one or more of them, be subject to the obligations, duties, and liabilities imposed in said Act upon holding companies; and

The Commission having been advised by its Public Utilities Division that the evidence thus far adduced at the aforementioned hearings will have a bearing on whether the above named Respondents, or any one or more of them, stand in such relation to Standard Power and Light Corporation and/or the subsidiaries thereof that there is liable to be such an absence of arm's-length bargaining in transactions between any one or more of the said Respondents and Standard Power and Light Corporation and/or the subsidiaries thereof as to make it necessary or appropriate in the public interest or for the protection of investors or consumers that said Respondents, or any one or more of them, be subject to the obligations, duties, and liabilities imposed in said Act upon affiliates of a company, as provided in section 2 (a) (11) (D) thereof; and

It appearing to the Commission to be in the public interest and the interest of investors and consumers to determine whether said Respondents, or any one or more of them, are affiliates of Standard Power and Light Corporation and/or the subsidiaries thereof, and that substantial savings in time, effort, and expense will result if said determination is made herein in connection with the determination of the issues arising under section 2 (a) (7) (B) of said Act:

It is ordered, That the notice of and order for hearing herein as supplemented

be and it hereby is amended to provide that the hearing herein also be held to determine in the alternative whether the above named Respondents, or any one or more of them, stand in such relation to Standard Power and Light Corporation and/or the subsidiaries thereof that there is liable to be such an absence of arm's-length bargaining in transactions between any one or more of said Respondents and Standard Power and Light Corporation and/or the subsidiaries thereof as to make it necessary or appropriate in the public interest or for the protection of investors or consumers that the Respondents, or any one or more of them, be subject to the obligations, duties, and liabilities imposed in said Act upon affiliates of a company.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-3680; Filed, May 22, 1941;
11:49 a. m.]

[File Nos. 70-254, 70-267]

IN THE MATTER OF CENTRAL STATES POWER & LIGHT CORPORATION

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission at its office in the City of Washington, D. C., on the 21st day of May, A. D. 1941.

Central States Power & Light Corporation, a public utility company which is also a registered holding company in the Ogden Corporation holding company system, having filed two declarations pursuant to Rule U-12D-1, promulgated under section 12 (d) of the Public Utility Holding Company Act of 1935, concerning the proposed sale of the gas properties of declarant located in Oklahoma and the gas properties of Central States Power & Light Corporation of Oklahoma, a wholly owned subsidiary of declarant, to Oklahoma Natural Gas Company for a sum approximating \$3,400,000 in cash, in accordance with the terms of a contract, dated February 6, 1941; and

A declaration and an amendment thereto having been filed by the above named party pursuant to Rule U-12C-1 concerning the proposed utilization of \$3,400,000 of the proceeds to be derived from such sales, together with approximately \$1,300,000 to be derived from the sale of certain other properties and securities provided for in the aforementioned contract but not subject to the jurisdiction of this Commission under the Act, to acquire a portion of declarant's First Mortgage and First Lien Gold Bonds, 5½% Series, due January 1, 1953, by soliciting tenders at prices not to exceed the face value of said bonds and purchasing bonds so tendered at the best

prices obtainable until the available funds are exhausted; and

An application having also been filed by the above-named party pursuant to section 10 of the Act regarding the incidental acquisition by it of the "Osage" gas lease and properties appurtenant thereto from Utilities Production Corporation, one of its wholly owned subsidiaries, in accordance with the provisions of the contract above mentioned; and

Said declarations and application having been consolidated for the purpose of hearing, a public hearing having been duly held after appropriate notice, and the Commission having examined the record in this matter and having issued its findings and opinion herein; and

The Commission having reserved jurisdiction with respect to the aforesaid declaration as amended filed pursuant to Rule U-12C-1 and the aforesaid application filed pursuant to Section 10 of the Act and also with respect to all fees and expenses to be paid in connection with any of the transactions heretofore described;

It is hereby ordered, That the aforesaid declarations filed pursuant to Rule U-12D-1, which has since been succeeded by Rule U-44, be, and the same hereby are, permitted to become effective forthwith subject, however, to the following terms and conditions:

1. The terms and conditions contained in Rule U-24.

2. That no fees or expenses incurred in connection with the consummation of any of the transactions heretofore described be paid until the same have been approved by further order of this Commission.

3. That all funds derived from the sale of properties to Oklahoma Natural Gas Company as heretofore described which declarant proposes to use to acquire its own First Mortgage and First Lien Gold Bonds, in accordance with its declaration filed pursuant to Rule U-12C-1 in this proceeding, be kept separate and apart from all other funds of declarant and held intact, except insofar as the same are deposited with the corporate trustee in accordance with the declarant's indenture of trust, until further order of this Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-3683; Filed, May 22, 1941;
11:50 a. m.]

[File No. 812-12]

IN THE MATTER OF THE AVIATION CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 21st day of May, A. D. 1941.

An application having been filed by the above named applicant on October

No. 101—3

30, 1940, under and pursuant to the provisions of section 3 (b) (2) of the Investment Company Act for an order or orders adjudging it to be excepted from the provisions of said Act; and

The temporary exemption of the applicant from the provisions of said Act provided by section 3 (b) (2) thereof having been extended to July 1, 1941;

It is ordered, That a hearing on the matter of the permanent or further exemption of the above named applicant from the provisions of the Investment Company Act of 1940 be held on June 6, 1941, at 10:00 of the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1101 will advise interested parties where such hearing will be held;

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under sections 41 and 42 of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-3677; Filed, May 22, 1941;
11:49 a. m.]

[File Nos. 4-21 and 37-7]

IN THE MATTER OF NEW ENGLAND POWER ASSOCIATION, NEW ENGLAND POWER SERVICE COMPANY, BELLOWS FALLS HYDRO-ELECTRIC CORPORATION, GREEN MOUNTAIN POWER CORPORATION

ORDER TO SHOW CAUSE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22d day of May, A. D. 1941.

The Commission by order dated July 31, 1936, approved the organization and conduct of business of New England Power Service Company as a subsidiary service company, rendering services to the New England Power Association holding company system. This order was subject to such future action of the Commission as, in the light of further experience, might be appropriate to require the company to conform to section 13 of the Public Utility Holding Company Act of 1935.

The Public Service Commission of the State of Vermont on July 29, 1940, requested this Commission to investigate the servicing arrangements between the

Service Company and Bellows Falls Hydro-Electric Corporation and Green Mountain Power Corporation in order to determine the necessity for such services and the equitableness of the charges therefor. Bellows Falls Hydro-Electric Corporation and Green Mountain Power Corporation are subsidiaries of New England Power Association, and public utility companies operating within the State of Vermont.

The Commission, on August 6, 1940, pursuant to sections 13 and 18 of the Public Utility Holding Company Act of 1935, ordered that a public hearing be held for the purpose of investigating and determining the matters requested by the Vermont Commission. This hearing was duly convened on September 12, 1940, at Montpelier, Vermont, and continued through September 16. The hearing, although directed primarily towards the relationships between the Service Company and the Vermont companies, necessarily covered an extensive review of the over-all activities of the Service Company and the relationships between that company and other system companies, including particularly the relationships with the holding companies in the system.

Subsequent to the hearing the Commission's Staff filed its report, based in part on the facts disclosed at the hearing, and in part on prior investigations of the organization and method of doing business of the Service Company, as well as public reports filed by that company with the Commission. This report, prepared primarily for the information of the Vermont Commission, contains tentative conclusions and recommendations with respect to the existing service contracts between New England Power Service Company and Bellows Falls Hydro-Electric Corporation and Green Mountain Power Corporation. It also calls attention to certain matters requiring correction which affect all operating subsidiaries of the system.

The Commission has carefully examined the record in this proceeding and has tentatively adopted the conclusions and recommendations set forth in the report of its Staff including the conclusion that the Service Company is not so organized and conducted as to meet the requirements of section 13 of the Public Utility Holding Company Act of 1935 and the rules and regulations in effect thereunder, in that among other things:

(a) Its organization is top-heavy, its method of doing business cumbersome, and its routine complicated.

(b) The salary and expenses of many individuals whose functions and activities are primarily for the benefit of the holding companies are paid directly by the Service Company and a portion or all of such salary and expenses have been charged to the operating companies in the system.

(c) The method of allocating costs has been unfair and inequitable since the operating companies have been required to bear the expenses of many ac-

tivities performed primarily for the benefit of the holding companies.

(d) Adequate records have not been kept to indicate in any practicable manner the specific work done by the Service Company for system companies, particularly as relates to services performed by its executive and supervisory staff.

(e) The method of billing serviced companies is inadequate and incomplete, particularly with reference to departments other than Engineering and Construction, in that bills have not been sufficiently detailed to enable local directors and officers and local regulatory bodies to ascertain the nature of services rendered and to appraise the necessity for such services.

(f) The activities of the Engineering and Construction Department are so extensive and interwoven that it is difficult to ascertain the necessity of the services rendered and the proper allocation of charges between plant accounts and operating expenses.

Moreover, because of the extensive nature of the activities conducted by the Service Company and the high ratio of indirect charges to direct charges, a further question is raised as to the necessity of many of the activities conducted by the Service Company being actually for the benefit of the serviced companies.

It is therefore ordered: 1. That the report of the Commission's Staff in this proceeding be transmitted to the Public Service Commission of the State of Vermont for its consideration, in compliance with its request for a public investigation and determination of the necessity of services rendered to the Vermont companies and the fairness and equitableness of the allocation of costs to such companies;

2. That a copy of the report of the Commission's Staff be served upon the Respondents;

3. That a hearing for the purpose hereinafter provided be held on June 12, 1941, at 10:00 o'clock in the forenoon of that day in the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On that day the hearing room clerk in room 1102 will advise as to where such hearing will be held;

4. That at said hearing New England Power Service Company shall show cause why an order shall not issue by this Commission withdrawing its previous order of approval unless said Service Company shall make such changes in its organization and method of doing business with the Vermont companies and other serviced companies as appear necessary to put into effect the recommendations and conclusions set forth in the afore-mentioned report of the Commission's Staff, the more specific of which are as follows:

A. As to Green Mountain Power Corporation:

(i) The elimination of all charges for services rendered by any officers, directors or employees of the Service Company

who are also officers, directors or employees of the Respondent New England Power Association or any of its subsidiary holding companies including such persons whose principal duties consist of assisting such officers, directors or employees of the Association;

(ii) The elimination of all charges for the services of any of the personnel in the Corporate Division or the Corporate Records Division of the Service Company's "Corporate" Department. The elimination of all charges of the Legal Division of the "Corporate" Department for services rendered relating to inter-system contracts or negotiations;

(iii) The elimination of all charges for services rendered by the Treasury Section and the Report and Statistical Section of the "Treasury, Auditing, Accounting and Insurance" Department. The elimination of unallocated labor costs (except clerical and stenographic) from the charges for services rendered by the Auditing Section of this department.

(iv) The elimination of all charges for the services of Jesse E. Gray, immediate supervisor of the Rate Department, and his stenographic and clerical assistants.

(v) The elimination of all charges for the services of J. B. Casey and J. I. Ahern and their immediate stenographic and clerical assistants.

B. As to Bellows Falls Hydro-Electric Corporation, the following additional changes shall be required in addition to that required by paragraph (i) as to Green Mountain Power Corporation:

(i) The elimination of all charges for services of the Legal Division of the "Corporate" Department in connection with inter-system contracts or negotiations.

(ii) The elimination of all charges for services of the Treasury Division of the "Treasury, Auditing, Accounting and Insurance" Department. The elimination of all unallocated labor costs (except clerical and stenographic) from the charges for the services of the Auditing Division and the Report and Statistical Division of this department.

C. As to New England Power Service Company and its relationship to all Associate Companies:

(i) The discontinuance of payment of compensation and expenses of any individual who is an officer, director or employee of the New England Power Association or any of its subsidiary holding companies or who is principally engaged in the assistance of the officers, directors and employees of such holding company or companies.

(ii) Revision of its method of allocating costs, including the maintenance of adequate records to enable local officers and directors and regulatory bodies to determine the necessity for services and the fairness and equitableness of the allocation of costs to the serviced companies.

(iii) Revision of its method of billing to more adequately disclose the nature and costs of the services rendered.

(iv) Revision of its method of operation and conduct of business so as to eliminate all charges for all services of a managerial, executive or control nature, with particular reference to retail public utility companies.

5. That at said hearing New England Power Association shall show cause why it should not take appropriate action to pay in full the entire compensation and expenses of its officers, directors and employees and such individuals employed by it or any of its subsidiary companies the nature of whose functions are in the primary interest of and for the benefit of said New England Power Association.

It is further ordered, That at said hearing such other matters be considered in connection therewith as may be appropriate in order to insure compliance with section 13 of the Public Utility Holding Company Act of 1935 and with the rules and regulations of the Commission thereunder.

It is further ordered, That Respondent New England Power Service Company shall on or before June 5, 1941, file its answer indicating the extent to which it admits or denies the statements and conclusions contained in the afore-mentioned report of the Commission's Staff and setting forth such further facts as it may deem pertinent to the matters covered by such report, and stating what action, if any, it proposes to take to modify its organization and conduct of business so as to comply with the standards of section 13 of the Public Utility Holding Company Act of 1935, both as to the Vermont companies and as to other associate serviced companies.

It is further ordered, That Richard Townsend, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing ordered herein. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That notice of said hearing be and hereby is given to New England Power Association and to New England Power Service Company; such notice to be given by service of a copy of this order by registered mail, and that notice is hereby given to all other persons whose participation in these proceedings may be in the public interest or for the protection of investors or consumers, such notice to be given by publication in the FEDERAL REGISTER. It is requested that any person desiring to be heard or to be admitted as a party in said proceedings shall file notice to that effect with the Commission on or before June 7, 1941.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[File No. 37-54]

IN THE MATTER OF UTILITY SERVICE COMPANY AND EASTERN MINNESOTA POWER CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of May, A. D. 1941.

A joint application pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on the 9th day of June, 1941, at ten o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 4, 1941.

The matter concerned herewith is in regard to a joint application for an exemption pursuant to section 13 of said Act with respect to the joint employment of certain designated individuals by applicants, which are both registered holding companies, and their respective subsidiaries.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-3676; Filed, May 22, 1941;
11:48 a. m.]

[File No. 70-321]

IN THE MATTER OF THE OHIO POWER COMPANY, WEST PENN POWER COMPANY, WINDSOR POWER HOUSE COAL COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22nd day of May, A. D. 1941.

Notice is hereby given that a declaration of application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party or parties; and

Notice is further given that any interested person may, not later than June 6, 1941 at 4:30 P. M., E. S. T., or 1:00 P. M., E. S. T., if such date be a Saturday, request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

(1) the issuance and sale by Windsor Power House Coal Company of 2,500 additional shares of its Capital Stock, par value \$100 per share, and

(2) the purchase of 1,250 of such shares by West Penn Power Company and a like amount by The Ohio Power Company for \$125,000 in cash respectively, the par value of such shares.

With the proceeds from the sale of such shares the issuer proposes to purchase 500 mine cars and to install or construct certain other facilities necessitated by its expanding coal mining operations.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-3678; Filed, May 22, 1941;
11:49 a. m.]

[File No. 70-322]

IN THE MATTER OF EAST COAST PUBLIC SERVICE COMPANY, NORTHWEST CAROLINA UTILITIES, INCORPORATED

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22 day of May, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party or parties; and

Notice is further given that any interested person may, not later than June 6, 1941, at 4:30 p. m., E. S. T., request

the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Northwest Carolina Utilities, Incorporated, a subsidiary of East Coast Public Service Company, a registered holding company, proposes to sell its utility assets located in the Counties of Alleghany, Ashe, Caldwell, Surry, Watauga and Wilkes, in North Carolina, serving about twenty communities, including Roaring Gap, Sparta, West Jefferson and Blowing Rock. The greatest part of the said utility assets, consisting of transmission and distribution facilities and a hydro-electric generating plant located at Sharp Falls, are to be sold to Blue Ridge Electric Membership Corporation, an electric cooperative financed through the Rural Electrification Administration, for a consideration of approximately \$170,000. The remaining assets located in said counties will be rendered non-useful by the aforesaid sale and will be sold to such purchasers as may be found at an estimated aggregate price of \$28,500.

The proceeds will be used to retire First Mortgage Bonds of Northwest Carolina Utilities, Incorporated, held by its parent, East Coast Public Service Company. Out of funds so received, East Coast Public Service Company proposes to make a capital contribution of \$25,000 to Northwest Carolina Utilities, Incorporated, to defray in part capital additions to its remaining property and to use the remainder for the purchase on the over-the-counter market and the retirement of First Lien Bonds of East Coast Public Service Company.

In connection with the above transactions it is proposed to effect certain modifications in the Indenture securing the First Mortgage Bonds of Northwest Carolina Utilities, Incorporated, and to effect a forgiveness of interest accrued and unpaid and hereafter accruing to August 1, 1941, amounting to \$109,890.04, on the aforesaid Bonds.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-3679; Filed, May 22, 1941;
11:49 a. m.]

